

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

CASE NO. 5:21-CV-00083-M

RAYMOND EARL MAY, JR. and,
ANGELA DOLORES MAY,

Plaintiffs,

v.

MARTIN FEIN INTEREST LTD., *et al.*,

Defendants.

ORDER

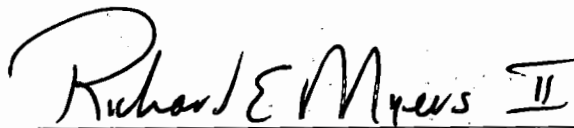
This matter is before the court on a Memorandum and Recommendation (hereinafter “M&R”) of United States Magistrate Judge Robert B. Jones, Jr. dated January 24, 2023 [DE 116] on Plaintiffs’ motion to withdraw proof of service, [DE-103]; Defendants Martin Fein Interest Ltd. (“Martin Fein”), Brenda Hubbard, Katie Nelson, Trevor Stroud, and Desserae Perry’s (collectively, the “Martin Fein Defendants”) motion to dismiss, [DE-104]; Defendants Bell Partners, Inc., Invesco Ltd., William Hubbard, Karry Allen, and Meaghan Dawes’s (collectively, the “Bell Partners Defendants”) motion to dismiss, [DE-107]; Plaintiffs’ motion to redline complaint, [DE-109]; and Plaintiffs’ motion to dismiss without prejudice, [DE-110, DE-112]. Neither party filed objections to the M&R. The matter is ripe for ruling.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotations omitted); *see* 28 U.S.C. § 636(b). Absent timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond*, 416 F.3d at 315 (citation and quotations omitted).

The court has reviewed the M&R and the record in this case and is satisfied that there is no clear error on the face of the record. Accordingly, the court ADOPTS the M&R [DE 116] and for the reasons stated therein ORDERS as follows:

1. Plaintiffs' motion to withdraw proof of service, [DE-103], is GRANTED;
2. Martin Fein Defendants' motion to dismiss, [DE-104], is DENIED;
3. Bell Partners Defendants' motion to dismiss, [DE 107], is GRANTED IN PART;
4. Plaintiffs' motion to redline complaint, [DE-109], is GRANTED;
5. Plaintiffs' motion to dismiss without prejudice, [DE-110, DE-112], is GRANTED.
6. The time for serving the summonses and complaint is EXTENDED 60 days, up to and including April 9, 2023, and the U.S. Marshals Service is DIRECTED to make personal service on Defendants upon Plaintiffs' presentation of amended summonses to the Clerk's Office.

SO ORDERED this 9th day of February, 2023.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE